

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

SIERRA CLUB, *et al.*,

*Plaintiffs,*

v.

MICHAEL S. REGAN, in his official  
capacity as the Administrator of the  
United States Environmental Protection  
Agency,

*Defendant.*

Civ. No. 4:21-cv-06956-SBA

**NOTICE OF STIPULATED EXTENSION  
OF CONSENT DECREE DEADLINES**

Plaintiffs Sierra Club, Natural Resources Defense Council, and Environmental Integrity Project and Defendant Michael S. Regan, Administrator of the United States Environmental Protection Agency (“EPA”) (collectively, the “Parties”), pursuant to Paragraph 6 of the Consent Decree (ECF No. 38), file this stipulation to notify the Court that the Parties have stipulated to an extension of EPA’s Consent Decree deadlines to take final action on a state implementation plan (“SIP”) submission from the state of West Virginia.

WHEREAS, under Paragraph 1.b. of the Consent Decree, the appropriate EPA official shall sign a final rule for publication in the *Federal Register* that approves, disapproves, conditionally approves, or approves in part and conditionally approves or disapproves in part a SIP submission from the state of West Virginia by no later than February 22, 2023, *see* Consent Decree ¶ 1.b.;

WHEREAS, Paragraph 6 of the Consent Decree provides that “[t]he deadlines in [the] Consent Decree may be extended (a) by written stipulation of the Plaintiffs and EPA with notice to the Court . . . .” Consent Decree ¶ 6;

WHEREAS, EPA requires additional time to take final action on the SIP submission from West Virginia listed in Paragraph 1.b. of the Consent Decree in order to complete its consideration of the comments that EPA received in response to its proposed disapproval of the West Virginia’s SIP submission. Air Plan Disapproval, 87 Fed. Reg. 78,617 (Dec. 22, 2022);

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WHEREAS, the Parties have therefore agreed to extend EPA's deadline to take final action on the West Virginia SIP submission to April 12, 2023.

NOW THEREFORE, Plaintiffs and EPA hereby stipulate as follows:

1. EPA's deadline to take final action on the SIP submission from West Virginia listed in Paragraph 1.b. of the Consent Decree and titled "Revision to the West Virginia SIP to Add the SSM Rule 45 CSR 1 – Alternative Emission limitations during Startup, Shutdown and Maintenance Operations" is hereby extended from February 22, 2023 to April 12, 2023.

Dated: February 16, 2023

Respectfully submitted,

s/ Paul Caintic<sup>1</sup>

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<sup>1</sup> Pursuant to Local Civil Rule 5-1(h)(3), the undersigned counsel for Defendant attests that the other signatories listed concur in the filing of this document.